

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BIOMEDINO, LLC,

Plaintiff,

v.

WATERS CORPORATION, *et al.*,

Defendants.

Case No. C05-0042L

ORDER DENYING PLAINTIFF'S
MOTION TO STAY PAYMENT
PENDING APPEAL

This matter comes before the Court on “Plaintiff Biomedino’s Motion to Stay Payment Pending Appeal.” Dkt. # 140. Plaintiff offers no evidence to support its contention that it has insufficient funds to satisfy the judgments totaling \$7,352.21. Nor does plaintiff explain why it “expects to have sufficient funds to cover the judgment, including any post-judgment interest, following the outcome of the now pending appeal” when it cannot do so now. Plaintiff’s motion for stay is factually unsupported and does not acknowledge or address the relevant legal analysis set forth in cases such as Hilton v. Braunskill, 481 U.S. 770, 776 (1987) (in order to justify a stay pending appeal, plaintiff has the burden of showing (1) that there is a strong likelihood that it will succeed on the merits of their appeal; (2) that it will suffer irreparable injury if the proceeding is not stayed; (3) that a stay would not substantially injure any other party; and (4) that a stay is in the public’s interest).

ORDER DENYING PLAINTIFF'S
MOTION TO STAY PAYMENT

1 For all of the foregoing reasons, plaintiff's motion is DENIED.

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3 DATED this 15th day of June, 2006.

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6 Robert S. Lasnik
7 United States District Judge
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